

BOULT
CUMMINGS
CONNERS
& BERRY
PLC

April A. Ingram
(615) 252-2302
Fax: (615) 252-6302
Email: aingram@bccb.com

LAW OFFICES
414 UNION STREET, SUITE 1600
POST OFFICE BOX 198062
NASHVILLE, TENNESSEE 37219

TELEPHONE (615) 244-2582
FACSIMILE (615) 252-2380
INTERNET WEB <http://www.bccb.com/>

May 30, 2000

VIA HAND DELIVERY

David Waddell
Executive Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243-0505

Re: Application of Gabriel Communications of Tennessee, Inc. for a Certificate
of Convenience and Necessity as a Competing Telecommunications Service
Provider
Docket No. 00-00352

Dear Mr. Waddell:

Gabriel Communications of Tennessee, Inc. ("Gabriel" or "Applicant") hereby submits the enclosed responses to the Information Request dated May 10, 2000. An original and 13 copies of these responses are enclosed as "Attachment 1." Gabriel is also submitting separately and under seal "Attachment 2," which contains confidential and proprietary responses to the financial questions in the May 10, 2000 Information Request.

Please date-stamp two copies and return them to the undersigned in the postage-paid envelope provided.

If you have any questions concerning this matter, or if you require additional information, please give me a call at 252-2302.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC



By:
April A. Ingram

AAI/

cc: Ed Cadieux

0648483.01
101764-001 05/30/2000

POSTED
6-2-00
Attachment 2
Filed Under Seal

ATTACHMENT 1

**RESPONSES OF GABRIEL COMMUNICATIONS
OF TENNESSEE, INC.
TO STAFF'S DATA REQUEST DATED MAY 10, 2000**

DOCKET FILE NO. 00-00352

Administrative Requirements

- 1. Provide the applicant's involvement in pertinent mergers, acquisitions, etc.**

Response: Gabriel is not currently a party to any pending merger or acquisition.

Managerial Requirements

- 1. Provide the following managerial information of the Company:**
1.1 Degrees (BS, BA, MBA, etc.) accounting, engineering, etc.
1.2 Professional licenses: CPA, etc.

Response:

Robert A. Brooks, Chairman of the Board of Directors: B.S.E.E. (Electrical Engineering), Northeastern University.

David L. Solomon, Vice-Chairman and Chief Executive Officer: B.S., David Lipscomb University; CPA (Tennessee).

Gerard J. Howe, President and Chief Operating Officer: B.S. (Mathematics), Southern Illinois University; MBA, Saint Louis University.

Thomas P. Erickson, Chief Financial Officer: B.S. (Business Administration), University of Missouri-St. Louis; CPA (Missouri).

John P. Denneen, Executive Vice-President, Legal/Corporate Development: B.S. Fordham University; J.D., Colombia University School of Law, licensed to practice law (Missouri).

Michael E. Gibson: Senior Vice-President, Finance and Corporate Development: B.S. Illinois State University; MBA Indiana University.

Brian L. Butler, Vice-President, Engineering: B.S. (Civil Engineering), University of Missouri; MBA, Lindenwood College; licensed Professional Engineering (Missouri).

Larry W. Britt, Vice-President, Sales and Marketing: B.A. (Journalism), University of North Carolina.

Christopher A. Thornton, Vice-President, Information Technology: B.S. (Physics), University of Missouri-Rolla; M.A. (Physics), University of Illinois; J.D. University of Illinois School of Law, licensed to practice law in the states of Missouri and Illinois.

Marguerite A. Forrest, Senior Vice-President, Human Resources and Administration: B.S. (Psychology), Southwest Missouri State University.

Janet M. Wendel, Vice-President, Planning: B.S. (Business Administration), Saint Louis University; CPA (Missouri).

Edward J. Cadieux, Executive Director, Regulatory/Public Affairs: B.A. (Political Science), Saint Louis University; J.D. Saint Louis University School of Law; licensed to practice law (Missouri).

Greg Pace, Director, Network Planning: B.S. (Civil Engineering), University of Missouri-Rolla; licensed Professional Engineer (Missouri).

Richard Sikora, Director, Marketing: B.S.E. (Engineering), University of Iowa, MBA, Pepperdine University.

Technical Qualifications

1. **Provide the following information regarding the proposed network data:**
 - 1.1 **Location of switches – i.e., cities**
 - 1.2 **State if there are any CPE (Customer Premises Equipment) requirements that would not be compatible with an incumbent carrier.**

Response: Gabriel plans to deploy a digital circuit switch (either DMS-100 or Lucent 5ESS) and an ATM packet switch in the Nashville metropolitan area, and to deploy an additional ATM packet switch in the Memphis metropolitan area.

CPE requirements associated with Gabriel's network are compatible with incumbent carrier networks.

Financial Qualifications

1. **Provide the following financial information of the Applicant:**
 - 1.1 **Estimated cost of network, switches and unbundled network elements.**
 2. **Capital Costs budget for three years including the following:**
 - a) **Equipment to be deployed.**
 - b) **Cost of Equipment, network switches, and unbundled network elements.**

- c) Sources of funding the Tennessee network, equipment, UNEs: Cash, Loan commitments, vendor credits, letters of credit, etc. (complete detail).
3. TCA Sec. 65-4-125 amendment states that by September 1, 2000, all telecommunications service providers subject to the control and jurisdiction of the authority, except those owners and operators of public telephone service who pay annual inspection and supervision fees pursuant to Tennessee Code Annotated Sec. 65-4-301(b), or any telecommunications service provider that owns and operates equipment facilities in Tennessee with a value of more than five million dollars (\$ 5,000,000), shall file with the authority a corporate surety bond or irrevocable letter of credit in the amount of twenty thousand dollars (\$20,000) to secure the payment of any monetary sanction imposed in any enforcement proceeding brought under this title or under the Consumer Telemarketing Protection Act of 1990 by or on behalf of the authority. Provide a statement outlining the Applicant's intent to abide by TCA Sec. 65-4-125 and provide a corporate surety bond by September 1, 2000 if applicable.

Response: See confidential response provided separately under seal.

IntraLATA Toll Dialing Parity Plan

1. Include customer education procedures (FCC Order 96-333, 80)
2. Please include information regarding your anti-slamming procedures
3. Include statements concerning nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listings (if applicable).

Response: Gabriel will offer dialing parity for intraLATA toll in all of its Tennessee exchanges concurrent with its market entry in Tennessee.

Gabriel will implement the full 2-PIC carrier selection methodology. With full 2-PIC, customers will be able to subscribe to one Participating Carrier for interLATA toll calls and to subscribe to the same or a different Participating Carrier for intraLATA toll calls.

Gabriel employees who communicate with the public, accept service orders and serve in customer service capacities will be trained to explain the availability of 2-PIC equal access and to assist customers in making the initial PIC selection or in changing a PIC selection.

An IXC that desires to become an Access Customer and a Participating Carrier shall notify Gabriel by requesting and completing the Carrier Participation Form. The request for this form may be made by telephone or by e-mail to the designated Gabriel carrier relations contact. Once the Carrier Participation Form has been returned to Gabriel and an Access Service Request has been processed,

that carrier will be added to the alphabetical list of Participating Carriers maintained in each business office.

Customers contacting Gabriel to request new local exchange service will be informed of the opportunity to select both an intraLATA and interLATA PIC at no charge. If requested by the customer, Gabriel will provide an alphabetical list of Participating Carriers. New customers who do not make an affirmative selection of an intraLATA toll service provider will be identified in Gabriel's records as a "no-PIC" and will not be defaulted to a toll service provider. New customers identified in Gabriel's records as a "no-PIC" will be required to dial the access code, 101XXXX, where XXXX represents the identification code of the carrier they desire to use. The use of the access code will be required for placement of each intraLATA toll call until the customer makes an affirmative PIC selection.

IntraLATA presubscription will be available from the date of Gabriel's market entry. As a result, there will be no pre-existing Gabriel customer base for which presubscription was unavailable.

A customer's initial PIC request will be made at no charge for the first six (6) months after intraLATA presubscription services become available. After that time, Gabriel will charge customers the intraLATA PIC Change Charge at tariffed rates. An initial application of "no-PIC" will, for purposes of applying the PIC Change Charge, be viewed as an affirmative PIC selection.

A customer's request to change its current intraLATA PIC will be accepted and processed by Gabriel in accordance with FCC PIC change procedures. The customer will incur the tariffed non-recurring PIC Change Charge.

A customer's request to change its current intraLATA PIC received by Gabriel from a Participating Carrier on behalf of the customer will be accepted and processed by Gabriel in accordance with FCC PIC change procedures. The customer will incur the tariffed non-recurring PIC Change Charge.

Gabriel does not intend to seek recovery of the costs of intraLATA dialing parity. Gabriel's switches are dialing parity-capable upon installation, so there is no discrete, additional investment necessary to permit Gabriel to provide this feature.

Numbering Issues

Please provide answers to the following questions concerning numbering within your proposed service area.

1. **What is your company's expected demand for NXXs per NPA within a year of approval of your application?**
2. **How many NXXs do you estimate that you will request from NANPA when you establish your service footprint?**
3. **When and in what NPA do you expect to establish your service footprint?**
4. **Will the company sequentially assign telephone numbers within NXXs?**
5. **What measures does the company intend to take to conserve Tennessee numbering resources?**
6. **When ordering new NXXs for growth, what percentage fill of an existing NXX does the company use to determine when a request for a new NXX will be initiated?**

Response: Within a year of approval of its application, Gabriel does not expect to require additional NXXs beyond those it anticipates requesting when it establishes its service footprints for Nashville and Memphis.

Gabriel's estimates that it will request a total of 3 NXXs when it establishes its service footprints in Nashville. Gabriel has not yet estimated the number of NXXs it will request for its Memphis service footprint. It has been Gabriel's experience that the incumbent LEC it interconnects with requires that Gabriel associate an NXX with a particular incumbent LEC rate center, and that a particular NXX can only be used to provide service to customers located within the rate center to which the NXX is associated. Gabriel's service footprints in Nashville and Memphis, respectively, will match or closely approximate BellSouth's corresponding service areas in those metropolitan areas. (Gabriel will provide facilities-based local exchange service through UNEs or similar leased facilities from BellSouth and, possibly, other carriers.) Thus, if BellSouth's practice is the same as other incumbent LECs Gabriel has interconnected with in other markets, Gabriel will require for its initial service footprints one NXX per each of the BellSouth rate centers which are located within BellSouth's Nashville and Memphis metropolitan service areas. Upon initial investigation, it appears that Gabriel's Nashville service area encompasses 3 BellSouth rate centers.

Gabriel expects to establish its initial service footprints in the Nashville (615 NPA) and Memphis (901 NPA) metropolitan areas in the fourth quarter of this year.

Gabriel assigns telephone numbers sequentially, except in situations where a particular customer requires assignment of a block of numbers which does not permit sequential assignment.

Gabriel recognizes the need to take reasonable measures to conserve numbering resources. Gabriel will not seek to "stockpile" NXXs – it will only request NXXs to cover its service footprints and, thereafter, to meet reasonably anticipated growth in its customer base. Gabriel customers will also have the

option of porting their numbers from their previous local exchange service provider.

Gabriel has not established a specific percentage fill of an existing NXX before requesting a new NXX. The percentage fill reached before Gabriel will request a growth NXX will depend on the rate of customer line growth in a particular area – if the growth rate is extremely high in a particular area, the percentage fill at which Gabriel would request a growth NXX will be lower than if the growth rate is somewhat lower. In any event, however, Gabriel will only request growth NXXs when customer growth in the particular area dictates the need for additional numbers, taking into account the lead times required to obtain assignment and activation of a new NXX code.

Tennessee Specific Operational Issues

Please provide answers to the following questions concerning Tennessee Specific Operational Issues.

- 1. How does the company intend to comply with TCA Sec. 65-21-114? In its description, please explain technically how the company will not bill for countywide calls within Tennessee.**
- 2. Is the company aware of the Tennessee County Wide Calling database maintained by BellSouth and the procedures to enter your telephone numbers on the database?**
- 3. How does your company intend to provide metro area toll-free calling ("MCA") around Memphis, Nashville, Knoxville and Chattanooga?**
- 4. Is the company aware of the MAC database maintained by BellSouth and the procedures to enter your telephone numbers on the database?**
- 5. Please provide the name and telephone number of an employee of your company that will be responsible to work with the TRA on resolving customer complaints.**
- 6. Does the company intend to telemarket its services in Tennessee? If yes, is the company aware of the telemarketing statutes and regulations found in TCA Sec. 65-4-401, *et seq.*, and Chapter 1220-4-11?**

Response: Gabriel intends to establish its serving areas and local calling areas in the Nashville and Memphis metropolitan areas in a manner such that each Gabriel customer will have a local calling area that includes all portions of the county in which the customer is located. Gabriel's switch will be programmed consistent with this approach.

As part of the interconnection implementation process, Gabriel will coordinate with BellSouth to identify and follow applicable procedures for entry of Gabriel's telephone numbers in BellSouth's Tennessee County Wide Calling database.

Gabriel's practice has been to establish toll-free local calling scopes which meet or exceed the toll-free local calling scopes of the incumbent LEC serving in the same market area. Gabriel anticipates following this practice for its Nashville and Memphis networks.

As part of the interconnection implementation process, Gabriel will coordinate with BellSouth to identify and follow applicable procedures for entry of Gabriel's telephone numbers into the MAC database.

For purposes of resolving customer complaints, the TRA can contact: Diane Powers, Director – Service Delivery at (636) 537-5734.

Gabriel does not currently have plans to telemarket its services in Tennessee. If, however, those plans change, Gabriel will conform any telemarketing practices to federal and Tennessee state statutes and regulations.

Miscellaneous

Is the applicant bonded for the amount of deposits?

Response: Gabriel is not currently bonded for the amount of deposits in Tennessee. However, Gabriel will comply with any applicable bonding requirements.